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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 7242

Minoru FUJIMORI et al. : Docket No. 2001-0206A

Serial No. 09/816,391 : Group Art Unit 1635

Filed March 26, 2001 : Examiner B. Whiteman

ANAEROBIC BACTERIUM AS A DRUG :
FOR CANCER GENE THERAPYTHE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975**ADDITIONAL CLAIMS FEE TRANSMITTAL LETTER**Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Transmitted herewith is an Amendment in the above-identified application. Additional fees required as a result of this Amendment are calculated as follows:

	SMALL ENTITY		LARGE ENTITY
Total Claims exceeding 20 (not already paid for): 83 x	(\$ 9 = \$)	or	(\$18 = \$1,494)
Indep. Claims exceeding 3 (not already paid for): x	(\$42 = \$)	or	(\$84 = \$)
[] Multiple Dep. Claim(s) (if there previously were none): +	(\$140 = \$)	or	(\$280 = \$)
Total Additional Fee =	\$	or	<u>\$1,494.00</u>

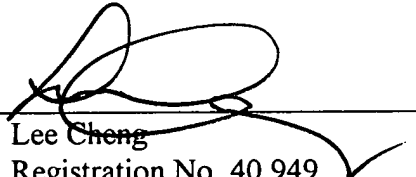
- [] Small entity status of this application is established by the verified statement under 37 C.F.R. 1.9 and 1.27 which
- [] is enclosed or
- [] has been previously submitted.
- [X] A check including the amount of \$1,494.00 is enclosed.

- [X] The Commissioner is authorized to charge any deficiency associated with this communication or to credit any overpayment to the Deposit Account 23-0975. The original and two copies of this document are enclosed.

Respectfully submitted,

Minoru FUJIMORI et al.

By


Lee Cheng
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October 10, 2002

GP1635

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Minoru FUJIMORI et al.

Serial No. 09/816,391

Filed March 26, 2001

ANAEROBIC BACTERIUM AS A DRUG FOR
CANCER GENE THERAPY



Confirmation No. 7242

Docket No. 2001-0206A

Group Art Unit 1635

Examiner B. Whiteman

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
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TECH CENTER 1600/2900

PATENT OFFICE FEE TRANSMITTAL FORM

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Attached hereto is a check in the amount of \$2,414.00 to cover Patent Office fees relating to filing the following attached papers:

Petition for Extension of Time \$920.00

Additional Claims Fee \$1,494.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Minoru FUJIMORI et al.

By

Lee Cheng
Registration No. 40,949
Attorney for Applicants

LC/gtg
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October 10, 2002

[Check No. 52438]

2001-0206A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 7242
Minoru FUJIMORI et al. : Docket No. 2001-0206A
Serial No. 09/816,391 : Group Art Unit 1635
Filed March 26, 2001 : Examiner B. Whiteman
ANAEROBIC BACTERIUM AS A DRUG :
FOR CANCER GENE THERAPY

DEPOSIT DECLARATION

Assistant Commissioner for Patents,
Washington, D.C. 20231

Sir:

Minoru FUJIMORI and Jun AMANO, Assignees of record in the above-identified application, by its undersigned duly authorized representative, hereby declares:

That *Bifidobacterium longum* 105-A/pBLES100-S-eCD has been deposited at the National Institute of Bioscience and Human-Technology, Agency of Industrial Science and Technology, the Ministry of International Trade and Industry of Higashi 1-1-3, Tsukuba City, Ibaraki Pref. Japan 305-8566 on August 15, 2000 under the Budapest Treaty, as deposit No. FERM BP-7274.

That the depository affords permanence of the deposit and ready accessibility thereto by the public if a patent is granted;

That access to the deposit during the pendency of the above-identified application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. 122 is hereby assured;

That all restrictions on the availability of the deposit to the public will be irrevocably removed upon the granting of the U.S. Patent on the above-identified application;

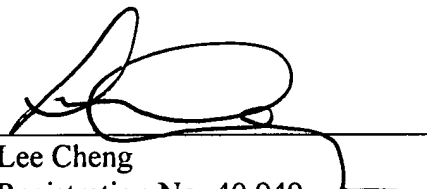
That each deposit shall be stored by the depository, with all the care necessary to keep it viable and uncontaminated, for a period of at least five years after the most recent request for the furnishing of a sample of the deposit was received by the depository, or for a period of at least 30 years after the date of the deposit, or for the effective life of the U.S. Patent, whichever is longest; and

That the Assignee acknowledges its duty to replace any such deposit should the depository be unable to furnish a sample when requested due to the condition of the deposit.

That the undersigned is authorized to execute this agreement on behalf of the Assignee.

The undersigned declares further that all statements made herein of his own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: October 10, 2002



Lee Cheng
Registration No. 40,949
Attorney for Applicants